



**FACSIMILE  
COVER SHEET**

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To:	Examiner Agustin Bello	From:	Michael C. Antone
Organization:	U.S. Patent and Trademark Office	Date:	June 30, 2003
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Pages:	5 (including cover page)		
Re:	<b>URGENT!!</b> <b>Serial Number 09/441,805</b> <b>Amendment and Response to Office Action</b>		

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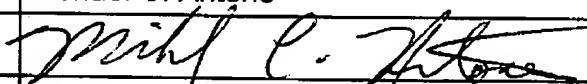
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Total Number of Pages in This Submission **4**Application Number **09/441,805**Filing Date **11/17/1999**First Named Inventor **David F. Smith**Group Art Unit **2633**Examiner Name **Augustin Bello**Attorney Docket Number **981117DS****ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

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PATENT (NE)

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7/11/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David F. Smith et al.

For: WAVELENGTH DIVISION MULTIPLEXED OPTICAL TRANSMISSION SYSTEMS, APPARATUSES, AND METHODS

Serial No.: 09/441,805 : Docket No. 981117DS

Filing Date: November 17, 1999 :

Group No. 2600 : Art Unit 2633 : Examiner A. Bello

AMENDMENT AND RESPONSE TO OFFICE ACTION

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

In Response to the Office Action dated March 28, 2003 ("the Action"), please amend the application as follows:

REMARKS

In Sections 2-4 of the Action, claims 1-14 were rejected as being obvious over Chraplyvy (U.S. Patent No. 6,205,268) et al. However, Chraplyvy et al. fail to disclose, teach, or suggest the present invention for a number of reasons.

First, Chraplyvy is not prior art to the present invention. The filing date of the sections of Chraplyvy cited in the Action is February 19, 1999, while the earliest filing date of the present invention is November 17, 1998. While Chraplyvy has a long genealogy, the cited sections were added as part of a continuation in part application filed on the above date, which after the earliest filing date of the present application. Therefore, it is not prior art and can not provide the basis for a rejection of the claimed invention.

Furthermore, assuming for the sake of argument that Chraplyvy is prior art, Section 2 of the Action concedes that "Chraplyvy fails to specifically teach that the information transmitted at a first bit transmission rate and first signal power to a first receiver without regeneration would require at least one of electrical regeneration and optical regeneration to reach a second receiver". This is precisely the point in fact, Chraplyvy and the